

FEB 17 2006

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ERIK SALAZAR-SALAZAR, a/k/a Jaime
Montepeque; Moises Salazar-Canastu;
Moises Muy Canastu; Erik Salazar;
Moises Canastu; and Erik Salazar-Salas,

Defendant - Appellant.

No. 05-50313

D.C. No. CR-97-00601-R

MEMORANDUM^{*}

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ERIK SALAZAR-SALAZAR, a/k/a Jaime
Montepeque; Moises Salazar-Canastu;
Moises Muy Canastu; Erik Salazar;
Moises Canastu; and Erik Salazar-Salas,

Defendant - Appellant.

No. 05-50315

D.C. No. CR-97-00601-R

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

Appeal from the United States District Court
for the Central District of California
Manuel L. Real, District Judge, Presiding

Submitted February 9, 2006**

Pasadena, California

Before: PREGERSON, W. FLETCHER, and BYBEE, Circuit Judges.

The written resentencing order must be corrected to conform to the district court's oral pronouncement of sentence. *See, e.g., United States v. Hicks*, 997 F.2d 594, 597 (9th Cir. 1993). As the government concedes, the oral pronouncement of sentence did not include any period of supervised release. Thus, the period of supervised release in the written order must be stricken.

In addition, the findings in the written order should be corrected to conform to the record. The new resentencing order should specify that defendant had only one prior drug offense. Further, it should eliminate the implication that defendant's prior conviction for domestic violence was exceptionally violent by omitting the word "violent" from the phrase "violent domestic violence."

VACATED and REMANDED.

** This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).